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PATENT APPLICATION  
10/797,937

1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE



In re Application of:

Avinoam Rubinstain et al.

Serial No.:

10/797,937

Filing Date:

March 11, 2004

Group Art Unit:

2661

Examiner:

Unassigned

Title:

**ETHERNET TRANSPORT OVER A  
TELEPHONE LINE**

**MAIL STOP - PETITIONS**

**ATTENTION: John J. Gillon, Jr., Senior Attorney**  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

I hereby certify that this correspondence is being deposited with the United States Postal Service as Express Mail No. EV351284812US addressed to: Mail Stop - Petitions, Commissioner of Patents, Office, P.O. Box 1450, Alexandria, VA 22313-1450, on April 28, 2005.

  
Angela Loding

Dear Sir:

**PETITION UNDER 37 C.F.R. § 1.47(a)**

Pursuant to 37 C.F.R. §1.47(a), Applicants respectfully request the Commissioner to accept this petition to make application for patent on behalf of and as agent for one (1) inventor who cannot be reached, and hereby respectfully submit the following:

1. Shimon Peleg, Noam Alroy, Amnon Harpak and Boaz Porat, joint inventors of the above-mentioned application, have executed the Declaration and Power of Attorney document in support of the Notice to File Missing Parts of Application dated May 27, 2004. The remaining joint inventors, Avinoam Rubinstain and Yackov Sfadya, could not be reached.

2. After diligent effort and on November 8, 2004, Applicants filed Proof Under 37 CFR 1.47 of Diligent Effort to make application for patent on behalf of Avinoam Rubinstain and Yackov Sfadya, who could not be reached.

05/02/2005 JBALINAN 00000087 10797937

02 FC:1463 60.00 DA 140.00 OP

AUS01:377440.1

3. On February 2, 2005, a Dismissal of the Petition filed on November 8, 2004 was mailed to Applicants. A copy of the Petition Dismissal mailed February 2, 2005 is attached hereto as enclosure 13.

4. Applicants respectfully submit this renewal Petition Under 37 C.F.R. § 1.47(a) in response to the Dismissal of the Petition filed on November 8, 2004.

5. Applicants again submit the pertinent facts and documentary evidence in the Statement of Assignee submitted concurrently herewith, and which was previously submitted with the Petition filed November 8, 2004.

6. As a result of the Dismissal of the Petition filed November 8, 2004, additional communication was forwarded to Avinoam Rubinstain on March 17, 2005, by International Federal Express, transmitting an Assignment, Declaration and Power of Attorney, along with a copy of the entire application, description, claims and drawings as filed, with instructions to sign and return to BakerBotts L.L.P. no later than March 28, 2005. A copy of the same was also emailed to Mr. Rubinstain at [Avinoam\\_Rubinstain@atrica.com](mailto:Avinoam_Rubinstain@atrica.com), which Applicants believe is the current email address of Mr. Rubinstain. A response was never received from Mr. Rubinstain. (See enclosure 11).

7. The last known contact information for the Mr. Rubinstain:

Avinoam Rubinstain 744 Nachal Kisson Street Macabim 71908 ISRAEL
and
Avinoam Rubinstain Atrica Israel Ltd. 5 Shenkar Street, P.O.B. 12231 Hertzeliya Industrial Area 46733 ISRAEL <a href="mailto:Avinoam_Rubinstain@atrica.com">Avinoam_Rubinstain@atrica.com</a>

8. Communication was forwarded to Yackov Sfadya on March 17, 2005, by International Federal Express, transmitting an Assignment, Declaration and Power of Attorney, and copy of the entire application, description, claims and drawings as filed, with instructions to sign and return to BakerBotts L.L.P. no later than March 28, 2005. (See enclosure 12).

9. On March 27, 2005, Mr. Sfadya emailed Bruce Slayden II, Applicants Attorney of Record, stating he would sign and return the signed Declaration to Mr. Slayden. On April 11, 2005, Applicants received a signed Declaration from Mr. Sfadya. See enclosure 14 for the signed Declaration from inventor Yackov Sfadya.

Along with this Petition, Applicants respectfully submit a Petition for Extension of Time (One-Month), along with a check in the amount of \$130.00 for the required filing fee.

Applicants also enclosed a check in the amount of \$130.00 as provided by 37 C.F.R. § 1.17(h) for the filing of this Petition. The Commissioner is hereby authorized to charge any additional fees or credit any overpayment to the Deposit Account No. 02-0383 of Baker Botts L.L.P.

It is respectfully requested that this Petition be granted.

Respectfully submitted,

BAKER BOTTS L.L.P.  
Attorneys for Applicants

Bruce W. Slayden II  
Reg. No. 33,790

Correspondence Address:

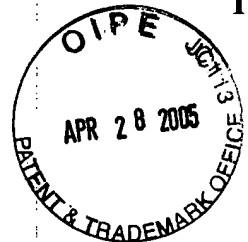
Customer No. **23640**

512.322.2606

512.322.8306 (Fax)

Date: 4/28/2005

**Continuation in Part-US Patent Application No. 10/797,937 based on the  
US Patent Application No. 09/322/062**  
**Title: Ethernet transport over a telephone line**



### Statement

as to what we have done to get the signed documents Declaration and Power of Attorney and Assignment from the inventors Mr. Avinoam Rubinstain and Mr. Yackov Sfadya.

Our client Infineon Technologies AG advised us to transfer the rights on the US Patent Application No. 09/322,062 from 3COM Corporation and Savan to Infineon Technologies AG and to file a Continuation in Part US Patent Application based on the US Patent Application No. 09/322,062. For the transfer of rights we needed the signatures of the inventors since the inventors never signed an Assignment to transfer their rights to 3COM Corporation and Savan.

The following steps have been taken to get the executed Assignment form Mr. Sfadya and Mr. Rubinstain for the transfer of rights on the US Patent Application No. 09/322,062:

- Telephone conversation with Mr. Moosrainer from Infineon Technologies AG on December 9, 2004 with reference to US Patent Application No. 09/322,062, whether the inventors Mr. Sfadya and Mr. Rubinstain are still employees of 3COM Corporation.  
(see enclosure 1, paragraph 5)
- E-mail from Mr. Moosrainer from Infineon Technologies AG dated December 11, 2003 sending us the addresses of the two inventors and the e-mail address form Mr. Sfadya. Mr. Moosrainer received this information from 3COM Corporation.  
(see enclosure 2)
- Telephone conversation with Mr. Moosrainer from Infineon Technologies AG on February 27, 2004 informing us that Mr. Rubinstain and Mr. Sfadya are no more employees of 3COM Corporation and providing us with the information as available 3COM Corporation and Infineon Technologies AG have, we received with the e-mail dated December 22, 2003  
(see enclosure 3)

On March 1, 2004 we advised Baker & Botts LL.P. to file a Continuation in Part US Patent Application with USPTO which is based on the US Patent Application No. 09/322,062. This CIP-Patent Application received the serial number 10/797,937.

The following steps have been taken to get the signed Declaration and Power of Attorney and Assignment of the inventors Mr. Yackov Sfadya and Mr. Avinoam Rubinstain:

- We sent a registered letter to Mr. Rubinstain and Mr. Sfadya on March 29, 2004 to the addresses which we received from Mr. Moosrainer from Infineon Technologies AG with his e-mail dated December 22, 2003  
(see enclosure 4a and 4b and enclosure 2)
- We sent registered reminder letters dated May 25, 2004 of our letters dated March 29, 2004 to Mr. Sfadya and Mr. Rubinstain  
(see enclosure 5a and 5b)
- Telephone conversation with Mr. Moosrainer from Infineon Technologies AG on July 12, 2004 to inform Infineon that we are not able to get the signatures of Mr. Rubinstain and Mr. Sfadya and to ask him if he has new information about the addresses of Mr. Rubinstain and Mr. Sfadya.  
(see enclosure 6)
- E-mail dated July 19, 2004 from Mr. Moosrainer from Infineon Technologies AG sending us the e-mail address from his contact person from 3COM Corporation Mr. Ori Pahlavan.  
(see enclosure 7)
- Our e-mail dated August 3, 2004 to the 3COM contact person Mr. Ori Pahlavan.  
(see enclosure 8)
- Response e-mail dated August 4, 2004 from Mr. Pahlavan. He sent us the known addresses and an e-mail address form Mr. Sfadya.  
(see enclosure 9)
- Our e-mail to Mr. Sfadya dated August 5, 2004.  
(see enclosure 10)

We never received any response from Mr. Sfadya and Mr. Rubinstain.

Munich, October 26, 2004



Glyndwr Charles

# Aktennotiz

zur Akte S2230

aja/GC

Datum: 9. Dezember 2003

## Telefonat mit Herrn Moosrainer von Infineon um 13 Uhr 30

- Habe nachgefragt, ob aus seinen Akten zu ersehen ist, ob jemals ein Assignment bezüglich der Übertragung der Rechte der Erfinder auf 3COM eingereicht wurde.
- Laut seiner Akte wurde wohl tatsächlich nie ein Assignment eingereicht, weder von der Erfindern auf 3COM, noch von 3COM auf Infineon.
- Außerdem seien die Erfinder Harpak, Porat, Peleg und Alroy Savan –Erfinder. Das heißt an dieser Anmeldung ist nicht nur 3COM beteiligt, sondern auch Savan.
- Allerdings gelten als Anmelder die Erfinder Rubinstain, Sfadya, Peleg, Alroy, Porat und Harpak, da die Rechte nie auf 3COM oder Savan übertragen wurden.
- Herr Moosrainer fragt nun bei 3COM nach, ob die Erfinder Rubinstain und Sfadya jemals Aufzeichnungen von 3COM waren, oder noch sind.
- Sobald wir die Information haben, werden wir an die US-vertreter Baker Botts schreiben und ihm die Situation schildern, damit er entscheiden kann, wer nach gültigem US-Recht auf wen übertragen muss und damit er uns die notwendigen Übertragungsformulare übersendet.

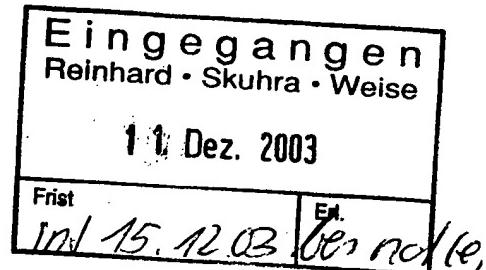
aja

Von: <[Peter.Moosrainer@infineon.com](mailto:Peter.Moosrainer@infineon.com)>  
An: <[Gesa.Ajayi@isarpatent.com](mailto:Gesa.Ajayi@isarpatent.com)>  
Gesendet: Donnerstag, 11. Dezember 2003 13:18  
Betreff: WG: US Patent Application No. 09/322,062 transferred to Infineon Technologies AG

Hallo Frau Ajayi,  
Anbei die Adressen der beiden 3COM Erfinder.

Könnten Sie mich bitte kurz anrufen, damit wir das weitere Vorgehen  
absprechen koennten.

Gruss  
Moosrainer



-----Ursprüngliche Nachricht-----

Von: Patent IDF@3com.com [mailto:[Patent.IDF@3com.com](mailto:Patent.IDF@3com.com)]  
Gesendet: Donnerstag, 11. Dezember 2003 00:18  
An: [Peter.Moosrainer@infineon.com](mailto:Peter.Moosrainer@infineon.com)  
Cc: Patent IDF@3com.com  
Betreff: Fw: US Patent Application No. 09/322,062 transferred to Infineon  
Technologies AG

Peter:

The last information we have for these two inventors:

Rubinstain, Avinoam  
744 Nachal Kisson St.  
Macabim, Israel 71908

Sfadya, Yackov  
3/6 Sigalit St.  
Kfar-Saba  
Israel

email: [YakiS@m-sys.com](mailto:YakiS@m-sys.com)

Regards,  
Ori Pahlavan

----- Forwarded by Patent IDF/F/HQ/3Com on 12/10/2003 03:10  
PM -----

Laurie Mintz/HQ/3Com  
12/10/2003 02:56 PM

)  
Sent by: Laurie Mintz - Director of Intellectual Property Program,  
Legal

To: Patent [IDF/F/HQ/3Com@3Com](mailto:IDF/F/HQ/3Com@3Com)  
cc: [Peter.Moosrainer@infineon.com](mailto:Peter.Moosrainer@infineon.com)  
Subject: Fw: US Patent Application No. 09/322,062 transferred to  
Infineon Technologies AG

Ori - Would you please get Peter the info he needs? I assume these are past  
employees of 3Com, but we may have their addresses in Israel. Thanks.

Laurie

----- Forwarded by Laurie Mintz/HQ/3Com on 12/10/2003 02:51

PM -----

[Peter.Moosrainer@infineon.com](mailto:Peter.Moosrainer@infineon.com) on 12/10/2003 08:36:47 AM

Sent by: [Peter.Moosrainer@infineon.com](mailto:Peter.Moosrainer@infineon.com)

To: Laurie Mintz/HQ/3Com  
cc:  
Subject: US Patent Application No. 09/322,062 transferred to Infineon  
Technologies AG

Dear Laurie,

For the above mentioned patent application are Rubinstain Avinoam and Sfadya Yackov co-inventors. Please could you check if this two inventors are employees of 3COM. If yes have you the address of this inventors so that some documents could send to this persons.

Thank you very much for your help in this case.

Yours  
Peter Moosrainer  
Infineon Technologies AG

US-Patent Appl. No. 091322,062

Encl. 3

Our ref: S2230

Buchen Botts ref: 068758.0132

## Gesprächs-Notiz

Datum	23.2.01	
Uhrzeit		
Firma	Persönlich	
Straße	eigener Anruf	
Ort	tremder Anruf	
Telefon/Telefax		
E-Mail		

Betreff:

- Das Schutzrecht wurde erworben, d.h. 3Com existiert noch als eigenständige Firma
- ETI, Stadya + Pultmatius sind nicht mehr über 3Com
- nur können die End of von 3Com direkt anschreiben  
3Com weiß nicht mehr als in dem e-mail vom 11.12.  
sieht

gern

Zeichen:

erledigt:

Encl. 4a

PATENTANWÄLTE  
EUROPEAN PATENT AND TRADEMARK ATTORNEYS

**Registered**

Sfadya, Yackov  
Sigalit Street 3/6  
44414 Kfar Saba  
Israel

Dr. rer.nat. Horst REINHARD (1998)  
Dipl.-Ing. Udo SKUHRA  
Dipl.-Ing. Reinhart WEISE  
Dr. rer.nat. Werner BEHNISCH  
Dr. rer.nat. Stephan BARTH  
Dipl.-Ing. Dipl.-Ing. Glyn CHARLES  
Wolfgang SANDMANN, M.P.H.  
Dipl.-Ing. Oliver HASSA  
Dipl.-Ing. Jürgen METZLER\*

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Ihr Zeichen/your ref.

Unser Zeichen/our ref.

München/Munich

S2388 GC/aja

March 29, 2004

**US-Continuation in Part Patent Application based on  
US-Patent Application No. 09/322,062**

**Applicant: Infineon Technologies AG**

**Title: Ethernet transport over a telephone line**

Dr. Mr. Sfadya:

Please find enclosed the forms "Declaration and Power of Attorney" and "Assignment" requested by the US-Patent Office.

We would like to ask you to sign and date these forms as indicated. Please note that the "Assignment" has to be also signed and dated by two witnesses.

Please return the original forms until

**April 20, 2004.**

If there are any further questions please do not hesitate to contact us.

Very truly yours



Glyndwr Charles  
Patent Attorney

Enclosure:

Declaration and Power of Attorney  
Assignment  
Information Sheet

PATENTANWÄLTE  
EUROPEAN PATENT AND TRADEMARK ATTORNEYS

Enc 4b

**Registered**

Avinoam Rubinstain  
Nachal Kisson Street 744  
71908 Maccabim  
Israel

Dr. rer.nat. Horst REINHARD (1998)  
Dipl.-Ing. Udo SKUHRA  
Dipl.-Ing. Reinhard WEISE  
Dr. rer.nat. Werner BEHNISCH  
Dr. rer.nat. Stephan BARTH  
Dipl.-Ing. Dipl.-Ing. Glyn CHARLES  
Wolfgang SANDMANN, M.P.H.  
Dipl.-Ing. Oliver HASSA  
Dipl.-Ing. Jürgen METZLER\*

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Tel. +49-89-3816100  
Fax. +49-89-3401479

Ihr Zeichen/your ref.

Unser Zeichen/our ref.

S2388 GC/aja

München/Munich

March 29, 2004

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**Applicant: Infineon Technologies AG**

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Very truly yours



Glyndwr Charles  
Patent Attorney

**Enclosure:**

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Assignment  
Information Sheet

Einlieferungsdatum: 31.03.04 ←

Kundennummer: 5024292468

Teilnahmenummer:

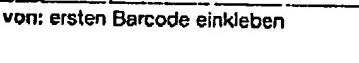
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Postamt 1000 Berlin
Postleitzahl 1000 Berlin
Telefon 030 123 45678

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<b>International</b> Bitte nur eine Auswahl! <input type="checkbox"/> EINSCHREIBEN <input type="checkbox"/> EINSCHREIBPÄCKCHEN  Mehrfachauswahl möglich <input type="checkbox"/> NACHNAHME <input type="checkbox"/> EIGENHÄNDIG <input type="checkbox"/> RÜCKSchein <input type="checkbox"/> EIL INTERNATIONAL		 <b>09 3318 9539 5 DE</b>	

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Gesamtanzahl eingelieferter Sendungen:	12
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Lfd. Nr.	Empfänger	PLZ	Ort	Sendungsnummer einkleben
1	Postamt Postfach W 4089	85630	Nürnberg	09 3318 9536 4DE
2	Technische S 2722	80536	München	09 3318 9537 8DE
3	Kopp AG F 46813 P 13139	63793	Köln am Rhein	09 3318 9538 1DE
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5	CHAE & SONG W 9511	135- 717	Szczecin Polen	09 3318 9540 4DE
6	Industrie-Techn. Service S 2388 (xx)	42504	Netanya Israel	09 3318 9541 8DE
7	Naam Alroy S 2388	60920	Jerusalem Israel	09 3318 9542 1DE
8	Avinorim Rubinstraßen S 2388	71908	Haifa Israel	09 3318 9543 5DE
9	S. Segev Yachad S 2388	44414	Kfar Saba Israel	09 3318 9544 9DE
10	Moskowem 714657	531- 0074	Ostende Belgien	09 3318 9545 2DE
11	Jantins S 2964	27702	Düsseldorf Westfalen Westdeutschland	09 3318 9546 6DE
12	Bank of Credit S 2702	7000- 4955	Hannover Westdeutschland	09 3318 9547 0DE
13	Deutsche Post AG			
14				Gesamt
15				Anzahl
16	bis: 09 3318 9547 0DE			Einschreibeben national
17	von: 09 3318 9540 4DE			Einschreibeben International
18				
19	Identcode			
20				Blatt: 1 / 1
21				ISNR: 7914
22	Internetreichtum Telefon: 0 18 05/29 06 90 12 ct/60 sek. im Festnetz	12 ct/60 sek. im Festnetz Mo. - Fr. 8 - 18 h und Sa. 8 - 14 h		Internetreichtum National und International

Briefzusatzleistungen National und International  
Quittung

Encl. 5a

PATENTANWÄLTE  
EUROPEAN PATENT AND TRADEMARK ATTORNEYS

Registered  
Sfadya, Yackov  
Sigalit Street 3/6  
44414 Kfar Saba  
Israel

URGENT  
Reminders

Dr. rer.nat. Horst REINHARD (1986)  
Dipl.-Ing. Udo SKUHRRA  
Dipl.-Ing. Reinhard WEISE  
Dr. rer.nat. Werner GEHNISCH  
Dr. rer.nat. Stephan BARTH  
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Die Zeichen/your ref.

Unser Zeichen/our ref.

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München/Munich

March 29, 2004

May 25, 04

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Applicant: Infineon Technologies AG

Title: Ethernet transport over a telephone line

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April 20, 2004.

✓

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Very truly yours

Glyndwr Charles

Patent Attorney

Enclosure:

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Assignment  
Information Sheet

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EUROPEAN PATENT AND TRADEMARK ATTORNEYS

Encl. 5b

Registered

Avinoam Rubinstain  
Nachal Kisson Street 744  
71908 Maccabim  
Israel

URGENT  
Reminder

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Dipl.-Ing. Reinhard WEISE

Dr. rer.nat. Werner BEHNISCH

Dr. rer.nat. Stephan BARTH

Dipl.-Ing. Dipl.-Ing. Glyn CHARLES

Wolfgang SANDMANN, M.P.H.

Dipl.-Ing. Oliver HASSA

Dipl.-Ing. Jürgen METZLER\*

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D-80750 MÜNCHEN Fax. +49-9561-871536  
Tel. +49-89-3816100  
Fax. +49-89-3401479

thru 26 March 2004

Unser Zeichen/our ref

S2388 GC/aja

München/Munich

March 29, 2004

May 25, 04

US-Continuation in Part Patent Application based on  
US-Patent Application No. 09/322,062

Applicant: Infineon Technologies AG

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LL

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Very truly yours

  
Glyndwr Charles  
Patent Attorney

Enclosure:

Declaration and Power of Attorney  
Assignment  
Information Sheet

**EINWERTERGEBNISSE ZUGABELEISTUNGEN  
für Selbstbucher/Koop-Per**

**DEUTSCHE POST**

Einfüllungsdatum: 27.05.01 ←

Kundennummer: 5024292468

Firmenstempel

Deutsche Post AG  
Postamt Berlin 3  
Friedrichstraße 21-25 - 10111 Berlin  
Telefon 030 34 16 100

Teilnahmenummer:

<input type="checkbox"/> <b>EINSCHREIBEN EINWURF NATIONAL</b>		von: ersten Barcode einkleben	Anzahl
<b>National</b> Bitte nur eine Auswahl! <input checked="" type="checkbox"/> <b>EINSCHREIBEN</b> <input type="checkbox"/> <b>NACHNAHME</b>  Mehrfachauswahl möglich <input type="checkbox"/> <b>EIGENHÄNDIG</b> <input type="checkbox"/> <b>RÜCKSCEIN</b>		 <b>09 3318 9925 5 DE</b>	7
<b>International</b> Bitte nur eine Auswahl! <input type="checkbox"/> <b>EINSCHREIBEN</b> <input type="checkbox"/> <b>EINSCHREIBPÄCKCHEN</b>  Mehrfachauswahl möglich <input type="checkbox"/> <b>NACHNAHME</b> <input type="checkbox"/> <b>EIGENHÄNDIG</b> <input type="checkbox"/> <b>RÜCKSCEIN</b> <input type="checkbox"/> <b>EIL INTERNATIONAL</b>		bis: letzten Barcode einkleben	
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<b>International</b> Bitte nur eine Auswahl! <input checked="" type="checkbox"/> <b>EINSCHREIBEN</b> <input type="checkbox"/> <b>EINSCHREIBPÄCKCHEN</b>  Mehrfachauswahl möglich <input type="checkbox"/> <b>NACHNAHME</b> <input type="checkbox"/> <b>EIGENHÄNDIG</b> <input type="checkbox"/> <b>RÜCKSCEIN</b> <input type="checkbox"/> <b>EIL INTERNATIONAL</b>		bis: letzten Barcode einkleben	
		 <b>09 3318 9937 0 DE</b>	

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<b>International</b> Bitte nur eine Auswahl! <input type="checkbox"/> <b>EINSCHREIBEN</b> <input type="checkbox"/> <b>EINSCHREIBPÄCKCHEN</b>  Mehrfachauswahl möglich <input type="checkbox"/> <b>NACHNAHME</b> <input type="checkbox"/> <b>EIGENHÄNDIG</b> <input type="checkbox"/> <b>RÜCKSCEIN</b> <input type="checkbox"/> <b>EIL INTERNATIONAL</b>		bis: letzten Barcode einkleben	

Gesamtanzahl eingelieferter Sendungen:

Lfd. Nr.	Empfänger	PLZ	Ort	Sendungsnummer einkleben
1	Impression S 1777/S 1867 S 2129/S 1835/S 2444	80506	München	09 3318 9926 5DE
2	Omya GmbH W 6472	50944	Köln	09 3318 9926 4DE
3	Händle Güter W 9683	96450	Loburg	09 3318 9927 8DE
4	Kopp, Kr. St. Ingbert P 17238	63793	Kahl am Main	09 3318 9928 1DE
5	Kappa, Kr. Fleckensteim P 14281	63793	Kahl am Main	09 3318 9929 5DE
6	Wöhner P 17223	96466	Rödental	09 3318 9930 4DE
7	Bundesger. W 9459/W 9256 Gericke W 8626	81549	München	09 3318 9931 8DE
8	Studio Liguria Jacobacci P 17068	10152	Torino, IT	09 3318 9932 1DE
9	Rivinovaam Rubinstein S 2230 S 2388	21908	Maccabim Israel	09 3318 9933 5DE
10	Chae & Song P 13435	137- 717	Seoul, KR	09 3318 9934 9DE
11	Safadiya, Yachou S 2230 S 2388	44414	KfarSaba Israel	09 3318 9935 2DE
12	China Science S 3107	100083	Beijing, CN	09 3318 9936 6DE
13	Wingardian P 11403	02109	Boston, USA	09 3318 9937 0DE
14		80802	Deutsche Post AG München	84011724
15				Gesamt
16				Einschreibeben national Einschreibeben international
17				Anzahl
18	bis: 09 3318 9937 0DE			
19	von: 09 3318 9932 8DE			
20	Einschreibeben national Identcode			
21	JSNF: 5576			Blatt: 1 / 1
22	Reinhart, Skubra, Weisse & Partner Friedrichst. 80801 München			
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Encl. 6

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12.7.04

## Telefonnotiz

An

Anruf von

Anruf bei:

H. Hoosruber

ruft wieder an      am / um

bittet um Kontakt  Nr.

• wir können die Umschriften von Sadya und Rubinsohn nicht bekommen.

Hat er neue Informationen?

Aufgenommen von:

Erledigt durch

Anruf

Brief

Besuch

Datum

Zchn.

20. Juli 2004

Frist	Erl.
-------	------

Von: <Peter.Moosrainer@infineon.com>  
An: <rsw@isarpatent.com>  
**Gesendet:** Montag, 19. Juni 2004 17:45  
**Betreff:** WG: 1228.NCD.CA.P -- Assignment to Infineon [Fw: WG: Message received fromUnknownFaxMachine on 4/16/2004 at 8:14:51 AM.]

*Encl. 7*

Bitte dieses e-mail an Frau Ajay weiterleiten (hoffe, ich habe das richtig geschrieben. Ansonsten Schande über mich. Schäme mich auch.)  
Bin leider nicht mehr dazugekommen vor meinem Urlaub bei 3Com nachzufragen wegen der Erfinder.  
Können Sie bitte selbst bei Ori nachfragen. Er ist nett und hilfbereit. War mein letzter Kontakt bei 3Com.  
Sorry für die Umstände.  
Gruß  
Moosrainer Peter

P.S. Wünsche ein frohes schaffen in den nächsten 3 Wochen.

-----Ursprüngliche Nachricht-----

**Von:** Moosrainer Peter (IC PA PJ)  
**Gesendet:** Montag, 21. Juni 2004 13:49  
**An:** ~~Ori\_Pahlavan@3com.com~~  
**Betreff:** AW: 1228.NCD.CA.P -- Assignment to Infineon [Fw: WG: Message received fromUnknownFaxMachine on 4/16/2004 at 8:14:51 AM.]

*contact person*

Dear Ori,

thank you very much for your help. We have received the signed assignment. But we have one problem. It was signed from a witness. We assume that the name should be

Linda ?? Thomasino.

Please could you inform me of the complete name of Ms Thomasino.

Thank you for your help.

Yours  
Peter

-----Ursprüngliche Nachricht-----

**Von:** Moosrainer Peter (CPC IC PA PJ)  
**Gesendet:** Mittwoch, 21. April 2004 09:39  
**An:** 'Ori\_Pahlavan@3com.com'  
**Betreff:** AW: 1228.NCD.CA.P -- Assignment to Infineon [Fw: WG: Message received fromUnknownFaxMachine on 4/16/2004 at 8:14:51 AM.]

Dear Ori,

thank you for your e-mail. I have checked this case and found out that the canadian patent application was filed with the old address of 3Com. Under this circumstances I assume that we should use the old address of 3Com for the assignment.

Please could you inform me if you agree with this.

Thank you very much for your assistance in this case.

Yours

Peter Moosrainer

-----Ursprüngliche Nachricht-----

**Von:** Ori\_Pahlavan@3com.com [mailto:[Ori\\_Pahlavan@3com.com](mailto:Ori_Pahlavan@3com.com)]  
**Gesendet:** Samstag, 17. April 2004 02:43  
**An:** Moosrainer Peter (CPC IC PA PJ)  
**Cc:** Laurie\_Mintz@3com.com; Patent\_IDE@3com.com

*Encl. 8*

Gesa Ajayi

Von: "Gesa Ajayi" <Gesa.Ajayi@lsarpatent.com>  
An: <ori\_pahlavan@3com.com>  
Gesendet: Dienstag, 31. August 2004 16:10  
Betreff: AW:1228.NCD.CA.P--Assignment to Infineon /Infineon Reference Nos. 20022P50186 US /  
20022P50186 USCIP /our cases: S2388 GC/aja / S2230 GC/aja

**US-Patent Application No. 09/322,062**

**US-Continuation-in-Part Application No. 10/797,937**

Dear Mr. Pahlavan:

We are writing as the representatives of the above-mentioned US-Patent Applications.

Mr. Peter Moosrainer from Infineon Technologies AG gave us your e-mail-address.

The rights on the US-Patent Application No. 09/322,062 should be transferred from 3COMCooperation and Savan Communications Ltd. to Infineon Technologies AG. The US-CIP-Patent Application No. 10/797,937 is a Continuation-in-Part-Application to the US-Patent Application NO. 09/322,062.

Now it is necessary to file an Assignment which is executed by the inventors with the US-Patent Office in both cases. Two of the inventors (Mr. Aviram Rubinstain and Mr. Yackov Sfadya) were employees of 3Com Cooperation. Since until now we could not get the executed Assignments from Mr. Rubinstain and Mr. Sfadya we believe that the addresses on file are not correct.

We would like to ask you to advise us about the correct addresses, telephone/faxnumbers or e-mail addresses of Mr. Rubinstain and Mr. Sfadya if available.

Thank you very much for your cooperation in this matter.

Best Regards

by order. Gesa Ajayi  
Glyndwr Charles  
Patent Attorney

Patent Attorneys  
Reinhard Skuhra Weise & Partners GbR  
Friedrichstraße 31 - 80801 München, DE  
Postfach 44 01 51 - 80750 München, DE  
Tel: 0049-89-38 16 100  
Fax: 0049-89-340 14 79  
e-mail: RSW@isarpatent.com

**Reinhard, Skuhra, Weise & Partner GbR**

ingegeben Reinhard • Skuhra • Weise	
04. Aug. 2004	
Frist	Erl.

Von: <Patent\_IDF@3com.com>  
An: <gesa.ajayi@isarpatent.com>  
Cc: <Patent\_IDF@3com.com> ; <Laurie\_Mintz@3com.com>  
Gesendet: Mittwoch, 4. August 2004 00:22  
Einfügen: C.htm  
Betreff: 1669.NCD.US.P – Inventor's Contact Information [Fw: AW:1228.NCD.CA.P–Assignment to Infineon /Infineon Reference Nos. 20022P50186 US / 20022P50186 USCIP /our cases: S2388 GC/aja / S2230 GC/aja]

Dear Gesa Ajayi:

Thank you for your email. The last contact information we have for these inventors:

Avinoam Rubinstain  
744 Nachal Kisson St.  
Macabim, Israel 71908  
972-8-9264518

Yackov Sfadya  
3/6 Sigalit St.  
Kfar-Saba, Israel  
YakiS@m-sys.com

Sincerely,  
The Patent Group

----- Forwarded by Patent IDF/F/HQ/3Com on 08/03/2004  
03:19 PM -----

Ori Pahlavan/HQ/3Com  
08/03/2004 03:11 PM

Sent by: Ori Pahlavan - Patent Paralegal, Legal Department:  
408.326.5326 (W) ; 408.326.6434 (F)

To: Patent IDF/F/HQ/3Com@3Com  
cc:  
Subject: 1669.NCD.US.P -- Inventor's Contact Information [Fw:  
AW:1228.NCD.CA.P--Assignment to Infineon /Infineon Reference Nos.  
20022P50186 US / 20022P50186 USCIP /our cases: S2388 GC/aja / S2230  
GC/aja]

03:14 PM -----

"Gesa Ajayi" <Gesa.Ajayi@isarpatent.com> on 08/03/2004 07:10:25 AM

Sent by: "Gesa Ajayi" <Gesa.Ajayi@isarpatent.com>

To: Ori Pahlavan/HQ/3Com@3Com

cc:

Subject: AW:1228.NCD.CA.P--Assignment to Infineon /Infineon Reference

Nos. 20022P50186 US / 20022P50186 USCIP /our cases: S2388 GC/aja /  
S2230 GC/aja

US-Patent Application No. 09/322,062

US-Continuation-in-Part Application No. 10/797,937

Dear Mr. Pahlavan:

We are writing as the representatives of the above-mentioned US-Patent Applications.

Mr. Peter Moosrainer from Infineon Technologies AG gave us your e-mail-address.

The rights on the US-Patent Application No. 09/322,062 should be transferred from 3COMCooperation and Savan Communications Ltd. to Infineon Technologies AG. The US-CIP-Patent Application No. 10/797,937 is a Continuation-in-Part-Application to the US-Patent Application NO. 09/322,062.

Now it is necessary to file an Assignment which is executed by the inventors with the US-Patent Office in both cases. Two of the inventors (Mr. Aviram Rubinstain and Mr. Yackov Sfadya) were employees of 3Com Cooperation. Since until now we could not get the executed Assignments from Mr. Rubinstain and Mr. Sfadya we believe that the addresses on file are not correct.

We would like to ask you to advise us about the correct addresses, telephone/faxnumbers or e-mail addresses of Mr. Rubinstain and Mr. Sfadya if available.

Thank you very much for your cooperation in this matter.

Best Regards

by order. Gesa Ajayi  
Glyndwr Charles  
Patent Attorney

Patent Attorneys  
Reinhard Skuhra Weise & Partners GbR  
Friedrichstraße 31 - 80801 München, DE

Postfach 44 01 51 - 80750 München, DE  
Tel: 0049-89-38 16 100  
Fax: 0049-89-340 14 79  
e-mail: RSW@isarpatent.com

(See attached file: C.htm)

Von: "Gesa Ajayi" <Gesa.Ajayi@lsarpatent.com>  
An: <yakiS@m-sys.com>  
Gesendet: Donnerstag, 5. August 2004 11:01  
Einfügen: 10\_797\_937Declaration.PDF; 10\_797\_937Assignment.PDF; 09\_322\_062Assignment.PDF  
Betreff: US-CIP- Application No. 10/797,937 (S2388 GC/aja) and US-Patent Application No.  
09/322,062 (S2230 GC/aja)

**US-Continuation in Part Patent Application No. 10/797,937 based on US-Patent Application No.**

**09/322,062 and**

**US-Patent Application No. 09/322,062**

**Applicant: Infineon Technologies AG**

**Title: Ethernet transport over a telephone line**

Dr. Mr. Sfadya:

We are writing as the representatives of the above-mentioned US-Patent Applications.

Mr. Ori Pahlavan from 3Com Corporation gave us your e-mail-address.

The rights on the US-Patent Application No. 09/322,062 should be transferred from 3COMCooperation and Savan Communications Ltd. to Infineon Technologies AG. The US-CIP-Patent Application No. 10/797,937 is a Continuation-in-Part-Application to the US-Patent Application No. 09/322,062. The inventors of 3 Com Corporation of the US-Patent Application No. 09/322,062 are you and Mr. Avinoam Rubinstain.

Now ist is necessary to file the forms "Declaration and Power of Attorney" and "Assignment" (in US-Patent Application No. 09/322,062) and an "Assignment" (in US-Patent Application No. 10/797,937) with the US-Patent Office. These forms have to be signed by all inventors of the applications.

We would like to ask you to sign and date these forms as indicated. Please note that the "Assignment" has to be also signed and dated by two witnesses.

Please return the original forms until

**September 3, 2004.**

Furthermore we would like to ask you if you have any information (address, e-mail or facsimile) from your co-inventor Mr. Rubinstain. Since until now we could not get any action from Mr. Rubinstain we believe that the addresses on file are not correct. Please inform us if you have any idea how to reach Mr. Rubinstain.

If there are any further questions please do not hesitate to contact us.

Thank you very much for your cooperation in this matter.

Very truly yours

by order: Gesa Ajayi  
Glyndwr Charles  
Patent Attorney

Enclosure:

Declaration and Power of Attorney

Assignment for US-Application No. 09/322,062

Assignment for US-CIP-Application No. 10/797,937

Information Sheet

Patent Attorneys

Reinhard Skuhra Weise & Partner GbR

Friedrichstraße 31 - 80801 München, DE  
Postfach 44 01 51 - 80750 München, DE  
Tel: 0049-89-38 16 100  
Fax: 0049-89-340 14 79  
e-mail: rsw@isarpatent.com

**Information with respect to:  
"Declaration and Power of Attorney", "Assignment" and  
"Information Disclosure Statement (IDS)"**

**Execution Documents: "Declaration and Power of Attorney" and "Assignment"**

For the present US-Patent application Priority of a German patent application has been claimed. The right of the invention underlying this US-patent application has been transferred to Infineon Technologies AG by claiming a service invention pursuant to §§ 6 and 7 German Act on Employees/Inventors (Arbeitnehmererfindergesetz) or by an agreement between both parties.

According to US-Patent Law only the inventor/s is/are allowed to file a US-patent for his/their invention. That means that in the U.S.A. only the inventor/s is/are accepted as applicant/s.

By signing the documents "Declaration and Power of Attorney" (also "Declaration for Utility or Design Patent Application") the inventor/s declare(s):

- that he/they is/are the only/s inventor/s of the present invention,
- that the inventor/s agree(s) with the wording of the application as filed,
- that a priority of a foreign application is claimed,
- that the inventor/s is/are informed that he/they is/are obliged to communicate every relevant shown state of the art which comes to his/their attention so that it can be included in the "Information Disclosure Statement (IDS)".

In the "Declaration and Power of Attorney" the US-Patent Attorney is further authorized to act for the applicant/s before the US-Patent Office.

In the "Assignment" the right for the US-Patent application is transferred from the inventor/s to Infineon Technologies AG.

**Information Disclosure Statement (IDS):**

According to the US-Patent Law the applicant is obliged to provide the US-Patent Office with every state of the art which comes to his attention.

For further information please do not hesitate to contact us.

# BAKER BOTTS LLP

1500 SAN JACINTO CENTER	AUSTIN
98 SAN JACINTO BLVD.	BAKU
AUSTIN, TEXAS	DALLAS
78701-4287	HOUSTON
512.322.2500	LONDON
FAX 512.322.2501	MOSCOW
	NEW YORK
	RIYADH
	WASHINGTON

March 17, 2005

VIA FEDEX

Bruce W. Slayden II  
512.322.2606  
FAX 512.322.8306  
[bruce.slayden@bakerbotts.com](mailto:bruce.slayden@bakerbotts.com)

Mr. Avinoam Rubinstain  
744 Nachal Kisson Street  
Macabim 71908  
ISRAEL

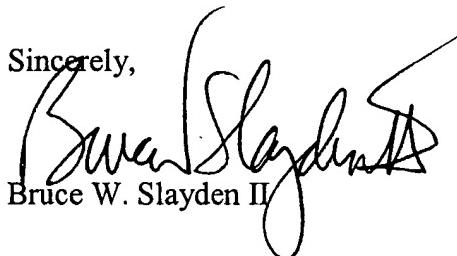
Re: U.S. Continuation in Part Patent Application Serial No. 10/797,937  
**ETHERNET TRANSPORT OVER A TELEPHONE LINE**  
Our Ref.: 068758.0179  
Your Ref.: S2388GC/aja

Dear Mr. Rubinstain:

Enclosed please find a copy of the entire application, description, claims and drawings that were filed with the U.S. Patent and Trademark Office on March 11, 2004 in the above-referenced matter. Also enclosed, please find an Assignment and Declaration and Power of Attorney forms to be executed by you and returned to us by March 28, 2005. Please send the executed Assignment and Declaration and Power of Attorney to us, via facsimile number 512.322.8355, by March 28, 2005, so that we may timely file these documents with the U.S. Patent and Trademark Office.

Please do not hesitate to contact us with any questions. We appreciate your prompt attention to this matter.

Sincerely,



Bruce W. Slayden II

BWS/tep

Enclosures

## FedEx Shipping Form (Austin Office)

DATE:

3/17/2005 1:51 pm

FROM:

Bruce Slayden

EMPLOYEE NO.

04520

TO:

Avinoam Rubinstain

ADDRESS:

744 Nachal Kisson Street

*IMPORTANT:  
Use Street  
Address ONLY -  
cannot deliver to  
P.O. Boxes*

PHONE:

5112.322.2519

RESIDENCE?

Yes  No

CLIENT NAME:

Infineon

MATTER NAME:

Patent

BILLING NO.:

068758.0179

### DELIVERY PREFERENCES

- First Overnight (Earliest Next Business A.M.)
- Priority Overnight (Next Business Morning)
- Standard Overnight (Next Business Afternoon)
- 2nd Day (Second Business Day)
- Express Saver (Third Business Day)
- International (2-3 Business Days)
- Saturday Delivery

Bill 3rd Party, Acct #  

Release Without Signature

## **Thornhill, Kerry**

---

**From:** Garbade, Crystle  
**Sent:** Thursday, March 24, 2005 10:41 AM  
**To:** Thornhill, Kerry  
**Subject:** FW: FedEx shipment 791576161599

another one?

-----Original Message-----

From: FedEx [mailto:[donotreply@fedex.com](mailto:donotreply@fedex.com)]  
Sent: Sunday, March 20, 2005 11:38 AM  
To: [crys...@bakerbotts.com](mailto:crys...@bakerbotts.com)  
Subject: FedEx shipment 791576161599

Our records indicate that the shipment sent from Office Services/BAKER BOTTS L.L.P to Avinoam Rubinstain has been delivered.

The package was delivered on 03/20/2005 at 4:36 PM and signed for or released by E.RUBINSSTEIN.

The ship date of the shipment was 03/17/2005.

The tracking number of this shipment was 791576161599.

FedEx appreciates your business. For more information about FedEx services, please visit our web site at <http://www.fedex.com>

To track the status of this shipment online please use the following:

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## Thornhill, Kerry

---

**From:** Thornhill, Kerry  
**Sent:** Thursday, March 17, 2005 1:49 PM  
**To:** 'Avinoam\_Rubinstain@atrica.com'  
**Subject:** FW: US Patent Application 10/797,937

**Importance:** High

**Re:** U.S. Continuation-in-Part Patent Application Serial No. 10/797,937  
**ETHERNET TRANSPORT OVER A TELEPHONE LINE**  
(U.S. Patent Publication No. US 2005/0047497 A1 Dated March 3, 2005)  
Our Reference: 068758.0179  
Your Reference: S2388GC/aja

Mr. Rubinstain:

On behalf of Bruce Slayden I am forwarding to you the above-identified patent application, drawings, Assignment and Declaration documents for your execution. Also attached is a letter from Mr. Slayden regarding the same. Please sign and date the Assignment and Declaration documents where indicated and return them to Mr. Slayden via facsimile to 512.322.8355 by March 28, 2005.

Please feel free to contact us with any questions you may have regarding this matter.



10-797937  
Letter.pdf (36 KB)



10-797937  
Assignment.pdf (78 K)



10-797937  
Declaration.pdf (120.)



10-797937  
.pplication.pdf (1 M.)

### Kerry Thornhill

Intellectual Property Legal Secretary  
Baker Botts L.L.P.  
1500 San Jacinto Center  
98 San Jacinto Boulevard  
Austin, TX 78701-4039  
512.322.2519  
512.322.2501 fax

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## Thornhill, Kerry

---

**From:** Mail Delivery Subsystem [MAILER-DAEMON@bakerbotts.com]  
**Sent:** Thursday, March 17, 2005 1:51 PM  
**To:** kerry.thornhill@bakerbotts.com  
**Subject:** Return receipt



ATT25034.TXT (408 ATT25035.TXT (1  
B) KB)

The original message was received at Thu, 17 Mar 2005 13:49:26 -  
0600 from dalsweep02.bakerbotts.net [10.200.254.223]

----- The following addresses had successful delivery notifications -----  
<Avinoam\_Rubinstain@atrica.com> (relayed to non-DSN-aware mailer)

----- Transcript of session follows ----- <Avinoam\_Rubinstain@atrica.com>... relayed;  
expect no further notifications

# BAKER BOTTS LLP

1500 SAN JACINTO CENTER	AUSTIN
98 SAN JACINTO BLVD.	BAKU
AUSTIN, TEXAS	DALLAS
78701-4287	HOUSTON
512.322.2500	LONDON
FAX 512.322.2501	MOSCOW
	NEW YORK
	RIYADH
	WASHINGTON

March 17, 2005

Bruce W. Slayden II  
512.322.2606  
FAX 512.322.8306  
[bruce.slayden@bakerbotts.com](mailto:bruce.slayden@bakerbotts.com)

VIA FEDEX

Mr. Avinoam Rubinstain  
Atrica Israel Ltd.  
5 Shenkar Street, P.O.B. 12231  
Hertzeliya Industrial Area 46733  
ISRAEL

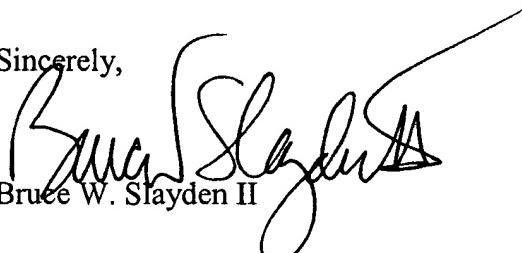
Re: U.S. Continuation in Part Patent Application Serial No. 10/797,937  
**ETHERNET TRANSPORT OVER A TELEPHONE LINE**  
(U.S. Patent Publication No. US 2005/0047497 A1 Dated March 3, 2005)  
Our Ref.: 068758.0179  
Your Ref.: S2388GC/aja

Dear Mr. Rubinstain:

Enclosed please find a copy of the entire application, description, claims and drawings that were filed with the U.S. Patent and Trademark Office on March 11, 2004 in the above-referenced matter. Also enclosed, please find an Assignment and Declaration and Power of Attorney forms to be executed by you and returned to us by March 28, 2005. Please send the executed Assignment and Declaration and Power of Attorney to us, via facsimile number 512.322.8355, by March 28, 2005, so that we may timely file these documents with the U.S. Patent and Trademark Office.

Please do not hesitate to contact us with any questions. We appreciate your prompt attention to this matter.

Sincerely,

  
Bruce W. Slayden II

BWS/tep

Enclosures

## FedEx Shipping Form (Austin Office)

DATE: 3/17/2005 1:51 pm

FROM: Bruce Slayden

EMPLOYEE NO. 04520

TO: Avinoam Rubinstain

ADDRESS:  
*IMPORTANT:*  
Use Street  
Address ONLY -  
cannot deliver to  
P.O. Boxes

PHONE: 011-972-9-9707222

RESIDENCE? Yes  No

CLIENT NAME: Infineon

MATTER NAME: Patent

BILLING NO.: 068758.0179

### DELIVERY PREFERENCES

- First Overnight (Earliest Next Business A.M.)
- Priority Overnight (Next Business Morning)
- Standard Overnight (Next Business Afternoon)
- 2nd Day (Second Business Day)
- Express Saver (Third Business Day)
- International (2-3 Business Days)
- Saturday Delivery

- Bill 3rd Party, Acct # [REDACTED]
- Release Without Signature

## **Thornhill, Kerry**

---

**From:** Garbade, Crystle  
**Sent:** Thursday, March 24, 2005 10:41 AM  
**To:** Thornhill, Kerry  
**Subject:** FW: FedEx shipment 792873694589

is this one?

-----Original Message-----

From: FedEx [mailto:[donotreply@fedex.com](mailto:donotreply@fedex.com)]  
Sent: Sunday, March 20, 2005 11:57 AM  
To: [crystle.garbade@bakerbotts.com](mailto:crystle.garbade@bakerbotts.com)  
Subject: FedEx shipment 792873694589

Our records indicate that the shipment sent from Office Services/BAKER BOTTS L.L.P to Avinoam Rubinstain has been delivered.  
The package was delivered on 03/20/2005 at 12:30 PM and signed for or released by S.ADI.

The ship date of the shipment was 03/17/2005.

The tracking number of this shipment was 792873694589.

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To track the status of this shipment online please use the following:  
[http://www.fedex.com/cgi-bin/tracking?tracknumbers=792873694589&action=track&language=english&cntry\\_code=us](http://www.fedex.com/cgi-bin/tracking?tracknumbers=792873694589&action=track&language=english&cntry_code=us)

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# BAKER BOTTS LLP

1500 SAN JACINTO CENTER	AUSTIN
98 SAN JACINTO BLVD.	BAKU
AUSTIN, TEXAS	DALLAS
78701-4287	HOUSTON
512.322.2500	LONDON
FAX 512.322.2501	MOSCOW
	NEW YORK
	RIYADH
	WASHINGTON

March 17, 2005

VIA FEDEX

Bruce W. Slayden II  
512.322.2606  
FAX 512.322.8306  
[bruce.slayden@bakerbolts.com](mailto:bruce.slayden@bakerbolts.com)

Mr. Yackov Sfadya  
3/6 Sigalit Street  
Kfar-Saba 44414  
ISRAEL

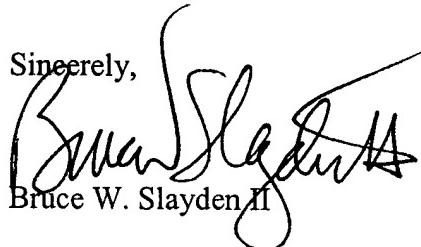
Re: U.S. Continuation in Part Patent Application Serial No. 10/797,937  
**ETHERNET TRANSPORT OVER A TELEPHONE LINE**  
(U.S. Patent Publication No. US 2005/0047497 A1 Dated March 3, 2005)  
Our Ref.: 068758.0179  
Your Ref.: S2388GC/aja

Dear Mr. Sfadya:

Enclosed please find a copy of the entire application, description, claims and drawings that were filed with the U.S. Patent and Trademark Office on March 11, 2004 in the above-referenced matter. Also enclosed, please find an Assignment and Declaration and Power of Attorney forms to be executed by you and returned to us by March 28, 2005. Please send the executed Assignment and Declaration and Power of Attorney to us, via facsimile number 512.322.8355, by March 28, 2005, so that we may timely file these documents with the U.S. Patent and Trademark Office.

Please do not hesitate to contact us with any questions. We appreciate your prompt attention to this matter.

Sincerely,



Bruce W. Slayden, II

BWS/tep

Enclosures

## FedEx Shipping Form (Austin Office)

DATE:

3/17/2005 1:51 pm

FROM:

Bruce Slayden

EMPLOYEE NO.

04520

TO:

Yackov Sfadya

ADDRESS:

3/6 Sigalit Street

PHONE:

Kfar-Saba 44414

RESIDENCE?

Yes  No

CLIENT NAME:

Infineon

MATTER NAME:

Patent

BILLING NO.:

068758.0179

### DELIVERY PREFERENCES

- First Overnight (Earliest Next Business A.M.)
- Priority Overnight (Next Business Morning)
- Standard Overnight (Next Business Afternoon)
- 2nd Day (Second Business Day)
- Express Saver (Third Business Day)
- International (2-3 Business Days)
- Saturday Delivery

Bill 3rd Party, Acct # [REDACTED]

Release Without Signature

## Thornhill, Kerry

---

**From:** Garbade, Crystle  
**Sent:** Thursday, March 24, 2005 10:42 AM  
**To:** Thornhill, Kerry  
**Subject:** FW: FedEx shipment 791010564385

oh, how about one more!

-----Original Message-----

From: FedEx [mailto:[donotreply@fedex.com](mailto:donotreply@fedex.com)]  
Sent: Sunday, March 20, 2005 6:38 AM  
To: [crystle.garbade@bakerbotts.com](mailto:crystle.garbade@bakerbotts.com)  
Subject: FedEx shipment 791010564385

Our records indicate that the shipment sent from Office Services/BAKER BOTTS L.L.P

to ~~Yackov.Sfadya~~ has been delivered.

The package was delivered on 03/20/2005 at 1:15 PM and signed for  
or released by X.YAKOV.

The ship date of the shipment was 03/17/2005.

The tracking number of this shipment was 791010564385.

FedEx appreciates your business. For more information about FedEx services,  
please visit our web site at <http://www.fedex.com>

To track the status of this shipment online please use the following:

[http://www.fedex.com/cgi-bin/tracking?tracknumbers=791010564385  
&action=track&language=english&cntry\\_code=us](http://www.fedex.com/cgi-bin/tracking?tracknumbers=791010564385&action=track&language=english&cntry_code=us)

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UNITED STATES PATENT AND TRADEMARK OFFICE  
P.O. Box 1450  
ALEXANDRIA, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

JJGJR.: 01-05

Docketed 8-05 Attorney BWS  
Case 068758.0179  
Due Date 4-2-05 / 8-2-05  
Action Renewed Petition  
by [initials] JAS

Paper No: \_\_\_\_\_

ANDREAS GRUBERT  
BAKER BOTTS L.L.P.  
ONE SHELL PLAZA  
910 LOUISIANA  
HOUSTON TX 77002-4995

**COPY MAILED**

FEB 02 2005

**OFFICE OF PETITIONS**

In re Application of :  
Rubinstain, et al. :  
Application No. 10/797,937 :  
Filed: 11 March, 2004 :  
Attorney Docket No. 068758.0179 :

ON PETITION

This is a decision on the petition under ¶(a) of 37 C.F.R. §1.47, filed on 8 November, 2004.

The petition is **DISMISSED**.

**NOTES:**

- (1) Any reply must include a renewed petition (and fee) must include a petition under 37 C.F.R. §1.47 and must be submitted within two (2) months from the mail date of this decision. Extensions of time under 37 C.F.R. §1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Petition under 37 C.F.R. §1.47";
- (2) Thereafter, there will be no further reconsideration of this matter.

**RECEIVED**  
FEB - 8 2005 JAS

**BAKER BOTTS LLP**

### BACKGROUND

The record indicates:

- the application was filed on 11 March, 2004, without, *inter alia*, a fully executed oath or declaration; and
- on 27 May, 2004, the Office mailed a Notice to File Missing Parts requiring that, *inter alia*, a fully signed oath/declaration (with surcharge) (or a petition under 37 C.F.R. §1.47 in its stead be filed as the reply);
- Petitioner Andreas H. Grubert (Limited Recognition Under 37 C.F.R. §10.9) filed on 8 November, 2004, the instant petition under 37 C.F.R. §1.47, which, while it provides an oath/declaration signed by the other co-inventors Messrs. Peleg, Alroy, Harpak and Porat for themselves and on behalf of Messrs. Avinoam Rubinstain (Mr. Rubinstain) and Yackov Sfadya (Mr. Sfadya), it fails to set forth within the petition the last known address of the non-signing inventors Mr. Rubinstain and Mr. Sfadya and fails to demonstrate transmittal of the entire application (description, claims, abstract, drawings) to Messrs. Rubinstain and Sfadya.

### ANALYSIS

The regulations at 37 C.F.R. §1.47 provide in pertinent part:

**§ 1.47 Filing when an inventor refuses to sign or cannot be reached.**

(a) If a joint inventor refuses to join in an application for patent or cannot be found or reached after diligent effort, the application may be made by the other inventor on behalf of himself or herself and the nonsigning inventor. The oath or declaration in such an application must be accompanied by a petition including proof of the pertinent facts, the fee set forth in § 1.17(h), and the last known address of the nonsigning inventor. The nonsigning inventor may subsequently join in the application by filing an oath or declaration complying with §1.63.

\* \* \*

The regulations at 37 C.F.R. §1.63 provide in pertinent part:

**§1.63 Oath or declaration.**

(b) In addition to meeting the requirements of paragraph (a) of this section, the oath or declaration must also:

(1) Identify the application to which it is directed;

(2) State that the person making the oath or declaration has reviewed and understands the contents of the application, including the claims, as amended by any amendment specifically referred to in the oath or declaration; and

(3) State that the person making the oath or declaration acknowledges the duty to disclose to the Office all information known to the person to be material to patentability as defined in § 1.56.

Thus, not only must a copy of the entire application must be sent to the last known address of the non-signing inventor (or the estate representative) with a request that he/she sign the declaration for the patent application--and evidence of that transmittal submitted (a reasonable effort must be made to ascertain a current or last known address)--but also the petition (with fee) must state over the signature and registration number of the Petitioner the last known address (and, if appropriate, evidence of the due diligence effort ascertaining same).

Alternatively, an oath or declaration for the patent application in compliance with 37 C.F.R. §§1.63 and 1.64 must be presented.

The declaration must set forth the inventor's residence, citizenship and post office address. An oath or declaration in compliance with 37 C.F.R. §§1.63 and 1.64 signed by the Rule 1.47 applicant is required.<sup>1</sup>

### CONCLUSION

Therefore, the instant petition must be and hereby is **dismissed**.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Commissioner for Patents<sup>2</sup>  
P.O. Box 1450  
Alexandria, VA 22313-1450

By FAX: (703) 872-9306 (IFW Formal Filings)  
ATTN.: Office of Petitions

---

<sup>1</sup> See: MPEP 409.03(b).

<sup>2</sup> To determine the appropriate addresses for other subject-specific correspondence, refer to the USPTO Web site at [www.uspto.gov](http://www.uspto.gov).

By hand: Mail Stop: Petition  
Customer Service Window  
Randolph Building  
401 Dulany Street  
Alexandria, VA 22314

Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-3214.



John J. Gillon, Jr.  
Senior Attorney  
Office of Petitions

To: Tracy E. Perez

Fax: 001-512 322 8355

Attached please find the declaration  
document signed.

for Patent: Ethernet transport over A telephone line.

Ref: 068758.0179

yackov sfadya.

DECLARATION AND POWER OF ATTORNEY

As a below named inventor, I declare that:

My residence, post office address and citizenship are as stated below next to my name; that I believe I am the original, first and sole inventor (if only one name is listed below) or a joint inventor (if plural inventors are listed below) of the subject matter which is claimed and for which a patent is sought on the invention or design entitled "**Ethernet Transport Over a Telephone Line**" the specification of which (check one):

       is attached hereto; or

x was filed on March 11, 2004 as

Application Serial No.: 10/797,937

and was amended on \_\_\_\_\_ (if applicable);

that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above; and that I acknowledge the duty to disclose to the U.S. Patent and Trademark Office all information known to me to be material to patentability as defined in 37 C.F.R. § 1.56.

I hereby claim foreign priority benefits under 35 U.S.C. § 119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application(s) for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

<u>Number</u>	<u>Country</u>	<u>Date Filed</u>	<u>Priority Claimed (Yes) (No)</u>
---------------	----------------	-------------------	----------------------------------------

I hereby claim the benefit under 35 U.S.C. § 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application(s) in the manner provided by the first paragraph of 35 U.S.C. § 112, I acknowledge the duty to disclose to the U.S. Patent and Trademark Office all information known to me to be material to patentability as defined in 37 C.F.R. § 1.56 which became available

between the filing date of the prior application(s) and the national or PCT international filing date of this application:

<u>Application Serial Number</u>	<u>Date Filed</u>	<u>Status</u>
09/322,072	05-27-99	Pending

I hereby appoint the following at Customer No. 023640:

Scott F. Partridge	Reg. No. 28,142
Jerry W. Mills	Reg. No. 23,005
Mitchell D. Lukin	Reg. No. 30,772
Bruce W. Slayden II	Reg. No. 33,790
Paul Katz	Reg. No. 35,917
Paul Morico	Reg. No. 35,960
Ronald Chichester	Reg. No. 36,765
R. William Beard, Jr.	Reg. No. 39,903
Ann C. Livingston	Reg. No. 32,479
Thomas R. Felger	Reg. No. 28,842
Roger J. Fulghum	Reg. No. 39,678

all of the firm of Baker Botts L.L.P., my attorneys with full power of substitution and revocation, to prosecute this application and to transact all business in the United States Patent and Trademark Office connected therewith, and to file and prosecute any international patent applications filed thereon before any international authorities.

Send Correspondence To:

Baker Botts L.L.P.  
One Shell Plaza  
910 Louisiana  
Houston, Texas 77002-4995

Direct Telephone Calls To:

Andreas H. Grubert  
at (713) 229-1964  
Atty. Docket No. 068758.0179

I declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

ATTORNEY DOCKET NO.  
068758.0179

PATENT

3

Full name of first inventor

**Avinoam Rubinstain**

Inventor's Signature

---

Date

---

Residence (City, County, State)

**744 Nachal Kisson St.  
Macabim, 71908 Israel**

Citizenship

**Israel**

Post Office Address

**744 Nachal Kisson St.  
Macabim, 71908 Israel**

---

  
Full name of second inventor**Yackov Sfadya**

Inventor's Signature

---

Date

  
*April 10, 2005*

Residence (City, County, State)

**3/6 Sigalit St.  
Kfar-Saba Israel**

Citizenship

**Israel**

Post Office Address

**3/6 Sigalit St.  
Kfar-Saba Israel**

Full name of third inventor

**Shimon Peleg**

Inventor's Signature

Date

Residence (City, County, State)

**11 Anchilevice St.  
Hod Hasharon Israel**

Citizenship

**Israel**

Post Office Address

**11 Anchilevice St.  
Hod Hasharon Israel**

---

Full name of fourth inventor

**Noam Alroy**

Inventor's Signature

Date

Residence (City, County, State)

**7 Bialik St.  
Kadima Israel**

Citizenship

**Israel**

Post Office Address

**7 Bialik St.  
Kadima Israel**

---

Full name of fifth inventor **Amnon Harpak**

Inventor's Signature

---

Date

---

Residence (City, County, State) **62 Moshe Dayan St.**  
**Holon Israel**

Citizenship **Israel**

Post Office Address **62 Moshe Dayan St.**  
**Holon Israel**

---

Full name of sixth inventor **Boaz Porat**

Inventor's Signature

---

Date

---

Residence (City, County, State) **93 Shimshon St.**  
**Haifa Israel**

Citizenship **Israel**

Post Office Address **93 Shimshon St.**  
**Haifa Israel**

---

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